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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|------------------------------|------------------|
| 10/668,795 | 09/23/2003 | Sophie Gabriele | S1022.81032US00 | 4105 |
| 23628 7590 03/22/2007 WOLF GREENFIELD & SACKS, PC. FEDERAL RESERVE PLAZA 600 ATLANTIC AVENUE BOSTON, MA 02210-2206 | | | EXAMINER GELAGAY, SHEWAYE | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2137 | |

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
|--|------------|---------------|
| 3 MONTHS | 03/22/2007 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

| | | | |
|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 10/668,795 | Applicant(s) GABRIELE ET AL. | |
| | Examiner Shewaye Gelagay | Art Unit 2137 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 September 2003 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>9/23/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-8 have been examined.

Drawings

2. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

3. Claims 6-8 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claims 6 recites, "a method" in the preamble, however, the independent claim, claim 1, in which claim 6 depends on recite "a system". Examiner suggests making claim 6, an independent claim with a preamble "A method for detecting time exceeding conditions of at least one application executed by a processor".

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4. Claims 7-8 are also objected for being dependent on claim 6.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 1-8 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 1 is directed to a system for detecting time exceeding conditions of at least one application executed by a processor by comparing a deadline with a current date. Claim 1 does not produce a useful and tangible result because the claimed subject matter relates only to comparing a deadline with a current time.

7. Claims 2-8 are also rejected for being dependent on claim 1.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-~~8~~ are rejected under 35 U.S.C. 102(b) as being anticipated by Peterson, Jr. (hereinafter Peterson) US Patent Number 5,857,020.

As per claim 1:

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Peterson teaches a system for detecting time exceeding conditions of at least one application executed by a processor, comprising: an element for storing time conditions, said conditions being sorted by increasing deadline order; (figure 2; col. 4, line 21-col. 5, line 3) a register for storing the condition closest to the current date; (col. 6, lines 2-16; col. 9, lines 33-66) and a comparator of the deadline contained in said register with the current date of the system. (col. 6, lines 18-41; col. 10, lines 2-19)

As per claim 2:

Peterson teaches all the subject matter as discussed above. In addition, Peterson further discloses a system comprising a timer for calculating the current date of the system, said timer being separate from a counter used by the application-processing processor. (col. 5, line 66-col. 6, line 2)

As per claim 3:

Peterson teaches all the subject matter as discussed above. In addition, Peterson further discloses a system wherein said storage element contains, with each stored time condition, an identifier of the concerned application. (figure 1; col. 5, line 15-17)

As per claim 4:

Peterson teaches all the subject matter as discussed above. In addition, Peterson further discloses a system wherein said storage element contains, with each time condition, an identifier of a monitored type of event. (col. 4, lines 29-67)

As per claim 5:

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Peterson teaches all the subject matter as discussed above. In addition, Peterson further discloses a system for managing rights of use of a digital content linked to at least one time condition, exploiting the detection system of claim 1. (col. 4, line 21-col. 5, line 3; col. 6, lines 18-41; col. 10, lines 2-19)

As per claim 6:

Peterson teaches all the subject matter as discussed above. In addition, Peterson further discloses a system comprising, upon each execution of a new application, of: inputting the corresponding time condition into said storage element in its place in the deadline order; (col. 4, line 22-col. 5, line 3) and updating said register if the new time condition is the closest to the current date. (col. 4, line 22-col. 5, line 3; col. 8, lines 33-51; col. 9, lines 62-66; col. 10, lines 15-19)

As per claim 7:

Peterson teaches all the subject matter as discussed above. In addition, Peterson further discloses a system comprising, at each stop of an application being executed, of: updating the storage element by the deleting of the time condition from the concerned application; (col. 8, lines 40-64; col. 10, lines 15-19) and updating said register if the deleted time condition has the closest deadline. (col. 8, lines 40-64; col. 10, lines 15-19)

As per claim 8:

Peterson teaches all the subject matter as discussed above. In addition, Peterson further discloses a system comprising generating an interrupt for the

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processor each time said comparator detects an exceeding of the time condition stored in said register by the current date. (col. 8, line 52-col. 9, line 3; col. 9, lines 2-19)

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See Form PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shewaye Gelagay whose telephone number is 571-272-4219. The examiner can normally be reached on 8:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on 571-272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Shewaye Gelagay *SG*

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SUPERVISORY PATENT EXAMINER